

REPORT
of the
GOVERNOR'S TASK FORCE
TO STUDY
EDUCATIONAL and RELATED NEEDS
of
CHILDREN in JUVENILE
RESIDENTIAL INSTITUTIONS



HONORABLE EDWARD J. MASON, CHAIRMAN
December 1, 1980

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GOVERNOR'S TASK FORCE TO STUDY EDUCATIONAL
AND RELATED NEEDS OF CHILDREN
IN JUVENILE RESIDENTIAL INSTITUTIONS

Hon. Edward J. Mason, Chairman

Member, Senate of Maryland

Ronald J. Blake

Assistant Director, Juvenile
Services Administration

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State Superintendent of Schools

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Advisory Board of Juvenile Services

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Member, House of Delegates of Maryland

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HARRY HUGHES
GOVERNOR

STATE OF MARYLAND
EXECUTIVE DEPARTMENT
ANNAPOLIS, MARYLAND 21404

July 8, 1980

The Honorable Edward J. Mason
Route 2, Box 102A
Cumberland, Maryland 21502

Dear Senator Mason:

I am pleased to ask you to serve as Chairman on a Task Force to study educational and related service needs of children in juvenile residential institutions and the systems appropriate for their delivery.

As background for this task, I should like to direct your attention to the Annotated Code of Maryland, Education, Section 22-204, which was recommended by the Rosenberg Commission and calls for a transfer of funding for the operation of educational programs in juvenile residential institutions from the budget of the Department of Health and Mental Hygiene to that of the Department of Education. Also relevant is the report of the Governor's Commission on Funding the Education of Handicapped Children, Phase II (Schifter Commission), which offers significant policy recommendations in this regard.

Inasmuch as neither the provisions of Section 22-204 nor the recommendations of the Schifter Commission have been implemented fully, I shall appreciate the Task Force's devoting attention to issues and considerations appropriate to carrying out their intent. Among these may be:

1. Delineation of an array of educational and related services which should be available to children residing in juvenile institutions;
2. Analysis of a variety of educational service delivery systems, including, perhaps, utilization of local educational services, or direct agency provision of service, and combinations of these or other options;

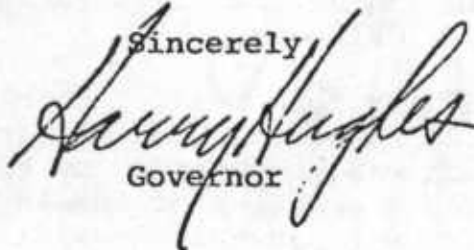
The Honorable Edward J. Mason
July 7, 1980
Page 2

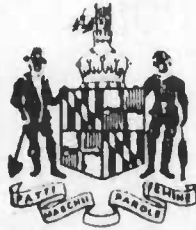
So that the work of the Task Force may provide background for possible legislative or budgetary planning for fiscal year 1982, I should appreciate your planning to conclude this study and report by December 1, 1980.

Attached, for your convenience, is a list of the membership and I would appreciate your getting in touch with the members and arranging the time and place of the first meeting.

I have assigned Sheila Tolliver and Ann Hull of my staff to work with you.

Thank you for your willingness to accept this important assignment.

Sincerely,

Governor



SENATE OF MARYLAND

ANNAPOLIS, MARYLAND 21401

EDWARD J. MASON
STATE SENATOR, LEGISLATIVE DISTRICT 1
MINORITY LEADER
BUDGET & TAXATION COMMITTEE
SUB-COMMITTEES:
RULES
INTERGOVERNMENTAL AGENCIES
BUDGET & AUDIT
CAPITAL BUDGET

December 1, 1980

ROUTE 2, BOX 102-A
CUMBERLAND, MARYLAND 21502
CUMBERLAND OFFICE: 777-2168
ANNAPOLIS OFFICE: 269-3030

The Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, Maryland 21401

Dear Governor Hughes:

As Chairman of the Task Force to Study Educational and Related Needs of Children in Juvenile Residential Institutions, I am pleased to transmit to you herewith a Report of our findings and recommendations. In the course of our four-month effort, we conducted site visits to representative juvenile residential facilities throughout the State, received testimony from administrators, educators, public officials, parents and interested community members and examined background materials and responses to direct inquiries.

Our activities broadened our knowledge and understanding and enabled us, after careful deliberation and extensive discussion, to formulate recommendations which best address the issues and considerations which you commended to us. While the Task Force examined and addressed many of the major problems concerning the educational and related needs of children in juvenile residential institutions, other equally important issues, which urgently need to be resolved, were identified during the course of this study. These issues include the status of special education, programs in the detention centers, viability of vocational programs, and the need for after-care systems to coordinate a youth's educational development with the local education agency. In addition, the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention expressed interest in assisting the Task Force in examining education within juvenile institutions in Maryland (see Appendix G). In order to address these important issues, we recommend that the Task Force be extended for one additional year notwithstanding any decisions regarding the panel's other recommendations.

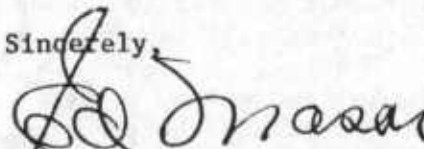
We concluded that the educational and related service needs of children in Maryland's juvenile residential institutions would best be served by adoption of the recommendations summarized below:

The Honorable Harry Hughes
December 1, 1980

- . The Task Force proposes that a position of Superintendent of Education be established within the Juvenile Services Administration with authority and responsibility for implementing and coordinating educational budget, program and planning operations.
- . To facilitate the budgetary coordination of the Juvenile Services Administration's educational services the Task Force recommends that Section 22-204 of the Education Article, as it pertains to juvenile institutions, be repealed.
- . The Task Force further recommends the discontinuation of the education coordinating council's responsibility for education programs in juvenile institutions and the withdrawal of the Director of the Juvenile Services Administration from the council. The council's other statutory responsibilities, which do not relate to Juvenile Services Administration programs, would remain in effect and the Advisory Board of Juvenile Services, established under Article 52A of the Annotated Code of Maryland, would be charged with acting in a general consultative and advisory capacity with regard to the educational programs of the Juvenile Services Administration.

This Report is intended to provide a background for possible legislative or budgetary planning for fiscal year 1982. We look forward to the adoption and implementation of our recommendations and to continued improvement of educational programs for children in juvenile residential institutions.

Sincerely,



Edward J. Mason, Chairman
Task Force to Study Educational
and Related Needs of Children
in Juvenile Institutions

GOVERNOR'S TASK FORCE TO STUDY
EDUCATIONAL AND RELATED NEEDS OF
CHILDREN IN JUVENILE RESIDENTIAL INSTITUTIONS

I. BACKGROUND

The Governor's Charge to the Task Force

On July 8, 1980, Governor Harry Hughes appointed the Task Force to Study Educational and Related Needs of Children in Juvenile Residential Institutions. In his letter designating Senator Edward Mason as Chairman of the Task Force, the Governor stated the purpose for which the Task Force was created. This purpose is to make recommendations by December 1, 1980, for the effective implementation of certain statutory provisions of the Annotated Code of Maryland and propose solutions to remedy certain findings of previous study commissions.

The statutory provision that is of concern is Section 22-204 of the Education Article of the Annotated Code of Maryland. This provision of the Code pertains to funding of educational programs in State juvenile residential institutions and reads as follows:

Education Article
Annotated Code of Maryland (1978 Volume)

22-204.

(a) Funds for the operation of the educational program in State hospital centers and juvenile residential institutions shall be provided in the budget of the State Department of Education.

(b) The Department of Health and Mental Hygiene and other State agencies may contribute to the program.

(c) Funds appropriated for educational programs in State hospital centers and juvenile residential institutions may not be diverted, by budget amendment or otherwise, to any other purpose.

The Governor also brought to the attention of the Task Force relevant recommendations of the Schifter Commission (Phase II). A copy of these recommendations is annexed to this report (see appendix).

It was noted that neither the provisions of Section 22-204 of the Education Article nor the related recommendations of the Schifter Commission have been fully implemented. The Governor pointed out that certain issues are antecedent to carrying out their intent. It is these antecedent issues that are the basis of the Task Force's Study.

Accordingly, the Governor charged the Task Force with a limited scope of study. He directed the Task Force to devote its attention to those "issues

and considerations appropriate to carrying out" the intent of Section 22-204 of the Education Article and the related recommendations of the Schifter Commission (Phase II).

Two issues were specifically commended to the Task Force for its study. These areas are:

1. "Delineation of an array of educational and related services which should be available to children residing in juvenile institutions;" and
2. "Analysis of a variety of educational delivery systems....." As part of this educational delivery system analysis, the Governor specifically suggested the Task Force consider:
 - (a) "utilization of local educational services; or
 - (b) direct agency provision of service; and
 - (c) combinations of these or other options."

The Task Force was provided appropriate background information on the areas of study as perceived by the "Final Report of the Governor's Commission on Structure and Governance of Education for Maryland" (The Rosenberg Commission) (1975), and the "Report and Recommendations of the Task Force to Evaluate the Final Report of the Governor's Study Commission on Structure and Governance of Education (The Wilner Task Force) (December, 1975).

The Rosenberg Commission

The Rosenberg Commission Report found the existing arrangement for delivery of educational services to children in juvenile institutions to be unsatisfactory. The flaws contributing to this unsatisfactory condition were summarized as a lacking or nonexistence of:

1. Spokesmen for Institutional Education
2. An Overall Commitment to Guaranteed Service
3. Instructional Supervision
4. Funding Strategies
5. An Effective Line Between the State Department of Education and Other Relevant Agencies

It was these conditions that led the Rosenberg Commission to conclude that a better delivery system was warranted. The proposed remedy was the creation of a "Statewide Board for Institutional Education." This Statewide Board was to have equal status with the other twenty-four local boards of education and was also to be similar in policymaking and administrative structure.

The Wilner Task Force

The Wilner Task Force concurred with the shortcomings and criticisms articulated by the Rosenberg Commission. However, the Wilner Task Force disagreed that the situation should be remedied through the establishment of a State Board for Institutional Education and stated that such a Board "could well lead to more problems than it would solve."

The problems that were envisioned by creating a State Board were:

1. Children in the various institutions have a broad spectrum of needs. One Board would not be able to understand and serve all these different needs.
2. Problems would arise in coordinating educational programs with the overall institutional programs. These problems would arise from a bifurcated institutional staff. The educational staff would be responsible to the Board and the other staff members would be responsible to another agency. This would result in a lack of coordination, jurisdictional disputes, and disparity in personnel administration, status and procedures.
3. Coordination needs to be provided between the institutional programs and the local public school programs. Children are not at training schools for much longer than 60-90 days and a program independently developed and operated would become disjointed with the program to which the child is to return.

In view of these problems, the Wilner Task Force proposed an alternative solution. An Educational Coordinating Council was to be created for education programs within hospitals and juvenile institutions. The membership of this Council was to consist of:

1. The Commissioner of Elementary and Secondary Education
2. The Superintendent of Public Education of Baltimore City
3. Two County Superintendents of Schools
4. The Secretary of Health and Mental Hygiene
5. The Director of the Juvenile Services Administration
6. The Commissioner of Mental Hygiene
7. The Director of the Mental Retardation Administration; and
8. Five Persons from the Public at Large.

This membership would constitute, in the view of the Wilner Task Force, "a competent and broadly representative policymaking group."

The Council's function would have been to develop and monitor the program for each institution. However, the operation of the program would be the responsibility of the department charged with operating the institution. In the case of juvenile institutions this would be the Department of Health and Mental Hygiene. It was recommended that a Director of Educational Programs

be appointed in the Department as the person responsible for the implementation and operation of the educational programs in juvenile institutions. The Director would oversee the programs in consultation with the superintendent of the institution to coordinate it with the overall institutional programs. At the same time it was also to be coordinated with public education programs.

Section 22-204 of the Education Article of the Annotated Code of Maryland incorporates the Wilner Task Force recommendations on funding. That is, that basic funding of educational programs is to be through the State Department of Education with the ability of other agencies to contribute to these programs as provided in their budget. In addition, these funds are not to be diverted to any other purpose.

Neither the Rosenberg Commission nor the Wilner Task Force made any specific recommendations as to the type of educational and related services that should be available to children in residential juvenile institutions. The Rosenberg Commission relied on the Statewide Board for Institutional Education to formulate the policy for the special needs of institutionalized youth and strengthen the educational programs. Similarly, the Wilner Task Force recommended delegating of educational programs within the respective institutions, with due regard to the special needs and circumstances of the children in these institutions.

The findings of previous study groups were considered useful to the Task Force and helped to guide it in its work. Having had the benefit of the background on these previous studies, the Task Force prepared its own study plan.

The study plan was designed to enable the Task Force to develop the information necessary to assess the issues and make independent findings on these issues. The limited scope of the study as detailed in the Governor's charge enabled the Task Force to conduct a plan of study that entailed greater depth than had been done previously and provide a set of comprehensive and thorough recommendations to the Governor.

INTRODUCTION

The Governor's Task Force to Study Educational and Related Needs of Children in Juvenile Residential Institutions began its deliberations by visiting selected juvenile facilities in this State. The facilities that received an on-site visit were Montrose School, Green Ridge Youth Center, and Long Stretch Youth Homes. Each of these facilities was selected because they are representative of the types of institutions to which juveniles are "committed." The institutions that were chosen to be visited provided an overview of the educational programs available for children in juvenile institutions.

Montrose School was selected as an example of an institutional setting operated by the Juvenile Services Administration. Green Ridge Youth Center was chosen as an example of the forestry camp program. Long Stretch was visited as an example of a purchase of care facility. The Task Force recognized that the educational programs in private and public facilities operated by the Juvenile Services Administration are varied though they share a small degree of uniformity. The Task Force believed it had an obligation to become familiar with these types of facilities.

Following the site visits to juvenile institutions, the Task Force conducted a series of hearings to elicit information pertinent to its study. At these hearings testimony was received from representatives of the Juvenile Services Administration on the educational programs and facilities at other institutions. Dr. David Hornbeck provided the Task Force with the State Department of Education's view on matters pertinent to the study. Testimony was received on the various types of purchase of care facilities. ESEA funding and the efforts to coordinate the educational programs in the Department of Health and Mental Hygiene were examined. Finally, input was received from a number of public interest groups and persons who have a background in juvenile justice.

FUNDING

Section 22-204 of the Education Article of the Annotated Code of Maryland provides that funds for the operation of educational programs at juvenile institutions are to be provided in the budget of the State Department of Education. This provision has never been implemented, and funds for educational programs continue to be placed in the budget of the Juvenile Services Administration. At the same time, the budget bill has recognized the provisions of Section 22-204 by including language to authorize the "...transfer to the State Department of Education...that portion of the appropriations to the various...Juvenile Residential Institutions...which represents the operation of educational programs...". This authorization has never been acted upon to bring a transfer of funds to the State Department of Education.

The Task Force recognizes that it has been requested to study the impediments that have precluded funding of educational programs at juvenile residential institutions through the budget of the State Department of Education.

However, prior to looking at the impediments, it was decided that a review should be made of existing funding mechanisms. In addition, an obligation was felt to solicit the views of the officials of the State Department of Education and the Juvenile Services Administration and its institutions since these agencies would be directly affected by any change in the de facto funding procedures, notwithstanding the fact that Section 22-204 has effected a cosmetic change in funding policy.

FUNDING STRATEGIES

Juvenile Services Administration education programs are funded through the operating budgets of each juvenile institution. Each institution prepares its own educational budget. The institution's total operating budgets are separate from the Juvenile Services Administration headquarter's budget. The juvenile institutions also receive federal funds for education programs through Title I of ESEA and Title III of LSCA. The federal funds constitute less than half of the total amounts budgeted for educational programs. There is also no uniform educational funding strategy for purchase of care facilities and group homes. Each facility relies on a variety of funding strategies including use of local public and private resources. Because each institution's overall program is educational in nature and because the funding strategies vary, it is difficult to determine the precise per capita educational expenditure of each juvenile institution for comparison with the expenditures of LEAs. The task force recognized that it is necessary to coordinate budget planning for educational programs within Juvenile Services Administration.

BUDGETARY CONTROL OF FUNDS

Section 22-204 of the Education Article was enacted by the General Assembly in response to a recommendation of the Wilner Task Force. The Report of that Task Force contains little information as to why it was thought to be advisable to provide for funding of juvenile residential educational programs through the State Department of Education.

This Task Force received the views of the State Superintendent of Schools on the implementation of Section 22-204. It was the opinion of the State Superintendent of Schools that the present level of funding for educational programs at juvenile institutions is inadequate and that the provisions of Section 22-204 which divides the funding responsibility and operating authority between two departments further exacerbates the problem.

ADMINISTRATION

An ancillary question to who should have budgetary control over the funds for the education programs is who should administer the programs. Presently, these programs are administered by the Juvenile Services Administration. The Task Force gave consideration to continuing to vest administrative responsibility in the Juvenile Services Administration and also explored the possibility of transferring it to the State Department of Education.

Several potential advantages were perceived to result if the administrative control were transferred to the State Department of Education. One possible benefit would be the attention that the educational programs would receive if they were administered as a part of a small agency. The State Department of Education has only 1,500 employees. This is a marked contrast to the approximately 15,000 employees in the Department of Health and Mental Hygiene. The Juvenile Services Administration is a small agency within the Department of Health and Mental Hygiene, and the educational endeavors of the Juvenile Services Administration are an even smaller program. If these programs were administered as a part of a smaller and more specialized agency, it is reasonable to assume that they would receive more attention.

Another advantage would be the potential linkage to past institutional educational opportunities that would exist through the State Department of Education. The average stay for a child in a juvenile institution is 6 - 7 months. When the child leaves the institution, it is important that the education process continue if at all possible by the child being assimilated into the program of the local education agency. The potential for this would be strengthened if the State Department of Education administered the educational programs at juvenile institutions and acted as the conduit by which the child was passed back into the local educational setting.

Program administration by the State Department of Education would also have benefits for the staff. The Department has a commitment to staff development. This commitment is evidenced in the opportunities that have been provided to the educational personnel in the correctional system.

There are also compelling reasons to keep control of the educational programs within the Juvenile Services Administration. The Juvenile Services Administration and the institutions under its aegis exist for the purpose of rehabilitating youthful offenders. The educational program of the institution is only one part of an integrated institutional program designed for the purpose of achieving the greatest chance for successful rehabilitation possible. It is important that the supervisors of the institutions have control over the total program at their facility in order to tailor a treatment plan for each child that will best meet their needs.

The Wilner Task Force also recognized various competing advantages that would be realized by either placing the administrative control of the educational programs under the Juvenile Services Administration or some other governing body. In resolving this matter, it rejected the proposal of the Rosenberg Commission to create a State Board for Institutional Education. Instead, it proposed the establishment of an Education Coordinating Council. This Council was created by the General Assembly in 1976. It is now codified in Sections 22-201 through 22-204 of the Education Article.

Unfortunately, the Coordinating Council has not lived up to the expectations that were envisioned when it was created. Testimony before the Task Force indicated that it has only met twice since its creation and there is serious doubt as to whether it is presently serving any useful purpose.

The Task Force found a critical need for coordination of the educational programs that affect juveniles under the jurisdiction of the Juvenile Services Administration. Presently, there exists a Director of Educational Services within the Department of Health and Mental Hygiene. This person's duties require services to twenty-two facilities within the Department. Juvenile Services Administration is a small agency within the Department and the Juvenile Services programs require more specialized attention and coordination than presently exists.

PROGRAM

The educational programs at each juvenile institution vary. Each institution does some minimal testing when the child enters the facility. This "diagnostic" testing is used in determining the grade level of the child. An effort is made to develop an educational plan to assist in evaluating and monitoring the child's progress.

Several educational philosophies are used as a part of the programs. The peer culture or peer guidance concept is used at the Youth Centers, Maryland Training School, and the Field Campus of the Montrose School. Also used at the Montrose School (Gill Campus) is a behavior modification approach.

Just as the philosophy varies, so do the programs, the extent of their development, and the manner in which they are implemented. Several factors have produced these variations. Each facility is budgeted differently for its program. The setting of the various institutions (e.g., security required, space available, etc.) influences and determines limitations of each program. Also, the number of children at the facility is a factor that shapes the program.

It is known that less than ten percent of the children at the Youth Centers will return to school after leaving the institution. Therefore, the education programs at the centers are primarily tailored to teach basic education. There is also an effort to encourage good work habits. The small number of students at each center also makes vocational training impractical. For this reason, vocational testing is substituted to introduce the students to a variety of job skills and evaluate their abilities. Students who it is believed could be successful are encouraged to study for and take the GED.

The Task Force recognizes the difficulty in developing a meaningful education program for children at residential institutions since the average length of stay is 6 - 7 months. Various approaches have been used to minimize this programmatic handicap.

In some instances, a "life skills" education program is utilized. This program focuses on basic and fundamental lessons such as learning how to make change, learning how to tell time, learning how to fill out an employment application, etc.

Some effort is made to provide a follow-up on the students. This follow-up, however, is not consistent and is largely dependent on cooperation from the local

school agency with the particular facility to which the student has been committed. An example of an instance where this cooperation has worked well is the registration of students from Prince George's and Montgomery Counties who are at the Youth Centers with the local schools in their home counties. This registration takes place while the student is still at the Youth Center and facilitates his return to the local school.

DELIVERY OF SERVICES

Currently, educational services to children at juvenile residential institutions are provided almost exclusively by the Juvenile Services Administration. Each institution hires its own education staff. These staff members are unclassified employees of the Juvenile Services Administration. They are paid out of the budget of the Juvenile Services Administration at the same rate as staff members of the local education agency where the institution is located. Each institution prepares its own proposals for Title I-ESEA and other federal funds. The Task Force recognized that there is a need to coordinate, monitor, and evaluate overall delivery of services to strengthen educational programs.

CONCLUSIONS AND RECOMMENDATIONS

While the Task Force examined and addressed many of the major problems related to the educational and related needs of children in juvenile residential institutions, other equally important issues which desperately need to be resolved were identified in the course of the panel's work. These issues include the status of special education, programs in the detention centers, viability of vocational programs, and the need for after-care systems to coordinate a youth's educational development with the local education agency. The urgency of these issues prompts the Task Force to recommend that the panel be extended for one additional year. The reappointment of the Task Force for an extended one year term, notwithstanding any decisions regarding the implementation of the panel's other recommendations, would allow the panel adequate time to analyze these issues and formulate appropriate responses. In addition, the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention expressed interest in assisting the Task Force in examining education within juvenile institutions in Maryland (see Appendix G).

The Task Force has concluded that the Juvenile Services Administration can best provide for the educational and related needs of children in juvenile residential institutions by coordinating educational programming, budgeting, and planning within the Administration. The Task Force therefore recommends that a position of Superintendent of Education within the Juvenile Services Administration be created and that the Superintendent be granted authority and responsibility for coordinating all aspects of the educational programs within the Juvenile Services Administration's residential institutions.

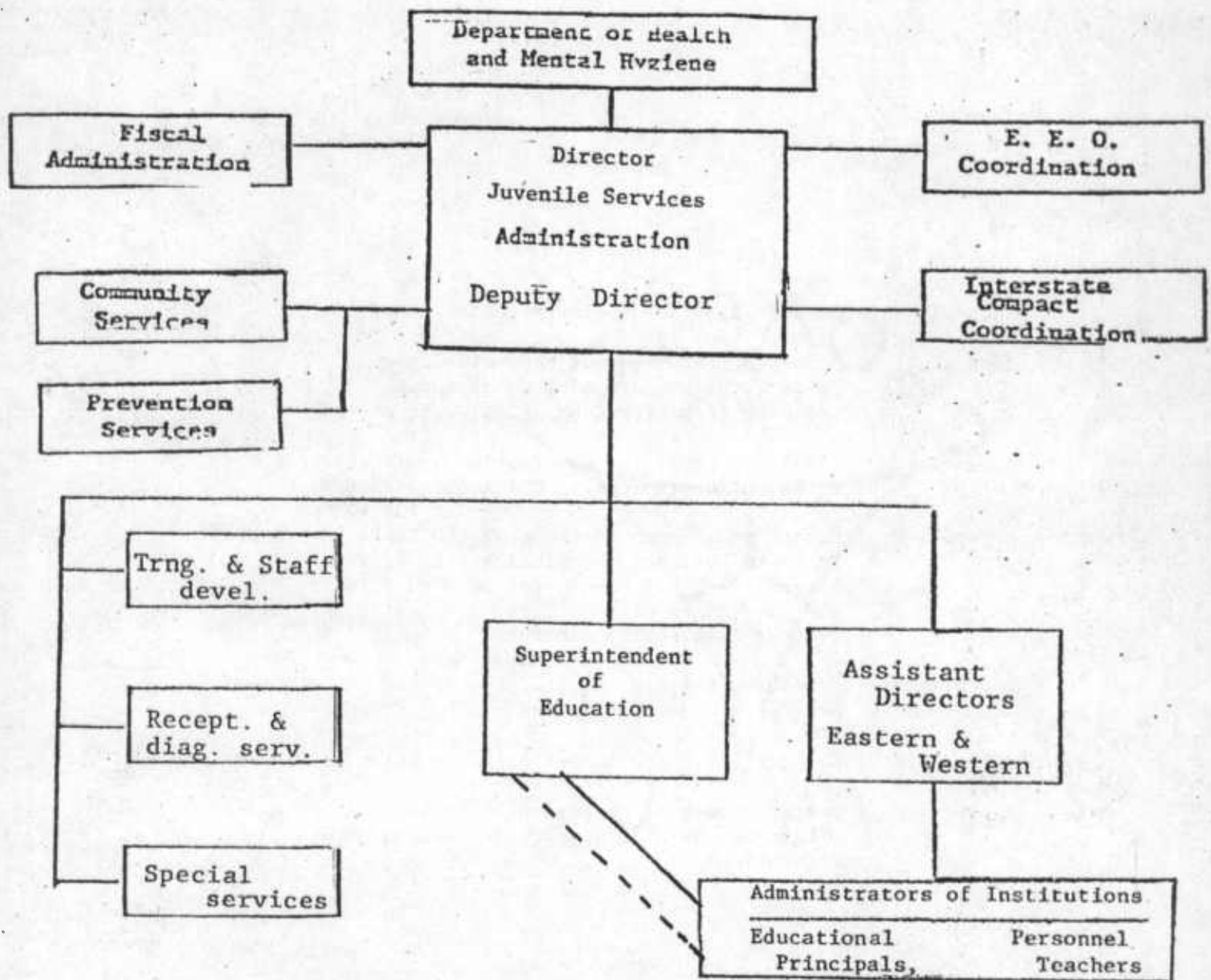
The Superintendent of Education will be responsible for developing educational policy and for implementing the Administration's educational planning and budgeting functions under the direct supervision of the Juvenile Services Administration Director. The Superintendent's office will be responsible for Title I-ESEA coordination and will interact appropriately with local education agencies (LEAs) and the Maryland State Department of Education. The Superintendent's formal qualifications would be substantially comparable to those of the Superintendents of the LEAs except that an educational administrator whose background included some experience with troubled children would be preferred.

The Superintendent of Education will be responsible for developing an education plan which represents the best updated educational information available. This plan would become an integral part of the Juvenile Services Administration Director's overall Administration plan and would enunciate the Director's educational policies. The educational plan will provide each institution with specific guidelines for maintaining the quality of the Juvenile Services Administration's educational programs and for establishing certifiable programs in each public and private facility. The plan will be developed and implemented in coordination with the administrators and educational personnel of each institution, who will be accountable to the Superintendent of Education for the plan's implementation. The Superintendent of Education will be extremely important to the total Juvenile Services Administration program and must necessarily have authority over the operation of educational programs including budgetary authority and responsibility for other resources. The title of "Superintendent" will be established exclusively for the Superintendent of Education and others presently designated as "Superintendents" of each juvenile institution will be assigned the title "Administrators" (see Table of Organization, page 11).

In order to establish the position of Superintendent of Education within the Juvenile Services Administration, and to ensure that the authority and functions ascribed to that position materialize, the Task Force recommends that those portions of Section 22-204 of the Education Article, which pertain to juvenile institutions, be repealed. The Task Force further recommends that the education coordinating council's responsibility for education programs in juvenile institutions be discontinued and that the Director of the Juvenile Services Administration be withdrawn from the council. The council's other statutory responsibilities, which do not relate to Juvenile Services Administration education programs, would remain in effect. Finally, it is recommended that the Advisory Board of Juvenile Services, established under Article 52A, Section 3 of the Annotated Code of Maryland, be charged with acting in a general consultative and advisory capacity with regard to the educational programs of the Juvenile Services Administration.

The adoption of these recommendations will contribute to the successful operation of the Juvenile Services Administration's educational programs and provide a positive response to the needs of troubled children in Maryland.

Table of Organization
Juvenile Services Administration



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SENATE JOINT RESOLUTION No. 65

01r4098

By: Senator Mason	26
Introduced and read first time: March 6, 1980	27
Assigned to: Rules	30
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SENATE JOINT RESOLUTION	34
A Senate Joint Resolution concerning	38
Juvenile Institutions - Education	41
FOR the purpose of urging the appointment of a commission to	45
study the proper placement of and the proper funding	46
for educational programs within juvenile residential	
institutions in this State.	47
WHEREAS, Children in juvenile residential institutions	49
have special problems, including educational problems, which	50
can best be served through a coordinated effort by	
appropriate State agencies; and	52
WHEREAS, There is a need to have educational programs	53
in the institutions which serve the needs of the children	54
housed there; and	55
WHEREAS, There is a need to study and determine the	56
proper placement of and funding for the educational programs	57
in the juvenile residential institutions; now, therefore, be	
it	58
RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the	59
Governor is requested to appoint a commission to study the	60
proper placement of and the proper funding for educational	
programs within juvenile residential institutions; and be it	61
further	62
RESOLVED, That this Commission should consist of two	63
members of the Senate of Maryland appointed by the President	64
of the Senate, two members from the House of Delegates,	65
appointed by the Speaker of the House of Delegates, the	66
State Superintendent of Schools or his designee, the	
Secretary of Health and Mental Hygiene or his designee, the	67
Secretary of Human Resources or his designee, two local	
superintendents of schools, and a representative from the	68
Parent Advisory Council of the Maryland Training School for	69
Boys; and be it further	70
RESOLVED, That this Commission should report its	71
findings and recommendations to the Governor and the General	72
Assembly by January 1, 1981; and be it further	73

EXPLANATION:

Numerals at right identify computer lines of text.

RESOLVED, That copies of this Resolution be forwarded	74
to the Honorable Harry Hughes, Governor, the Honorable James	75
Clark, Jr., President of the Senate of Maryland; the	
Honorable Benjamin Cardin, Speaker of the House of	76
Delegates, Dr. David W. Hornbeck, State Superintendent of	78
Schools, P.O. Box 8717, Baltimore-Washington International	
Airport, Baltimore, Maryland 21240; Charles R. Buck, Jr.,	80
Secretary of Health and Mental Hygiene, 201 West Preston	81
Street, Baltimore, Maryland 21201; Kalman R. Hattleman,	82
Secretary of Human Resources, 1100 North Eutaw Street,	84
Baltimore, Maryland 21201; and the Parent Advisory Council,	
Maryland Training School for Boys, 2400 Cub Hill Road,	85
Baltimore, Maryland 21234.	

REPORT OF THE GOVERNOR'S COMMISSION
ON FUNDING THE EDUCATION OF HANDICAPPED CHILDREN

PHASE II

(Schifter Commission)

January, 1977

One topic which requires special discussion is that of the programs of the Juvenile Services Administration and of the residential placements of the Department of Human Resources. Some of these children are handicapped. These children would, therefore, be covered by the recommendations heretofore made in this report. But what of the others? We believe that we should go, as to those children usually characterized as "socially maladjusted," beyond our initial charge and offer

Recommendation 18: That, subject to the limitations imposed by our Recommendation 7 (c), the pattern recommended in this report for the assumption of responsibilities by the various Departments be applied to children in facilities of the Juvenile Services Administration or served by residential programs funded by the Department of Human Resources irrespective of whether the child is or is not defined as a handicapped child. We mean by this recommendation that the Department of Education and the local education agencies shall assume responsibility for the education of children in such programs. We also recommend that the funding pattern suggested by us for other programs be applied to non-handicapped youngsters in the programs here in issue as well, except that as to those children the mandated local contribution shall be equal to the average amount spent for a non-handicapped child in the local school system.

10/21

Final Report of the Governor's Commission on EDUCATION



Hon. Marvin Mandel, Governor

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1975

Governor's Study Commission on Structure and Governance of Education for Maryland.

A - IV

(16)

activities. A regional plan extending the services of the agency should be considered.

4. Provide total resource planning assistance for local educational agencies. The financial resources made available for the support of education at the local level come from a variety of sources. The State general fund support and the local revenue represent two major blocks of funds. However, in addition to these, some local agencies receive additional funds from as many as 10 different streams of Federal assistance and up to as many as six additional State supported categorical programs. Local agencies, particularly those which cannot afford the luxury of planning and financial accounting staffs, have some difficulty in adequately planning and allocating the resources in such a way that they obtain the greatest return for their efforts, or achieve the most benefit across a wide spectrum of instruction. Techniques of performing better planning and more purposeful methods of allocating resources are known. The State Department of Elementary and Secondary Education will be in a strategic position to study such methods, adapt them to fit the unique situations in the State, and demonstrate them to local school systems when there is a need and an interest in improving the resource allocation process.
5. Offer consultation and technical assistance in establishing the new structure recommended in this report. The capability of the present State Department of Education to be the dominant leadership force in elementary and secondary education has far outdistanced any other aggregation of both financial and human resources in the State. The new department could take on a more positive image by aggressively pursuing a coordinated plan for a better education delivery system across the State. The department also can assist in providing technical assistance in the establishment of the new structures recommended in this report.

Local Boards of Education

The Commission studied the duties and responsibilities of local boards of education and the relationships between local boards and the State. Intergovernmental connections between local boards and other elements of local government also were reviewed. The Commission agreed that available evidence did not justify major recommendations for structural changes in local boards of education. Several recommendations in Chapter IV do suggest improvements in the operation and routine

functioning of local school systems including policymaking actions of local boards of education.

The Commission expressed concern about whether local boards of education should be appointed or elected. Research on this issue did not give a conclusive answer. Neither did the history of services of many of the elected boards now in place in the State provide any clear answer. The practice of gubernatorial appointment of local school board members in 16 counties continues. (The Mayor appoints the Baltimore City School Commissioners.) This condition is somewhat unique to the State of Maryland and it seems satisfactory to many people.

The Commission concluded that the method of selecting local school board members to serve each subdivision should be left to the people of that jurisdiction. The Commission did wish to reiterate its strong position that control of education by local boards is an important and essential criterion and must be safeguarded in as many ways as possible.

Statewide Board for Institutional Education

The Commission found the existing arrangement for a delivery of educational services to handicapped children in health related institutions and to youth in correctional facilities to be unsatisfactory. Basic components found lacking or nonexistent were: a spokesman for institutional education; an overall commitment to guarantee services; instructional supervision; funding strategies; and an effective link between the State Department of Education and other relevant agencies. The Commission believes that such prevailing conditions for institutionalized populations of the State necessitate the creation of a better system for the delivery of educational services to these populations.

The Commission recommends that a Statewide Board for Institutional Education be established with equal status and a similar policymaking and administrative structure to the other 24 local systems in the State. The board membership should consist of representatives chosen from the following categories: public and private mental health, criminology, special education, parents and other citizens. With such diversity in membership, an exceptional insight should be used in formulating policy for the special needs of the institutionalized youth of the State.

The special district and board should strengthen the educational programs in institutions, the working relationship with the State Department of Elementary and Secondary Education, the local educational systems, the Department of Health and Mental Hygiene, and the Division of Corrections. The resulting benefits should be:



improved communications between local systems for re-entering students into regular programs, a more comprehensive application of research, and better techniques of teaching. The basic premise of this new structure must be to strengthen through consolidation the administrative, instructional and coordinating arm of educational programming while continuing to work in unison with the therapeutic and rehabilitative efforts of the institutions.

Duties and Responsibilities of the State Board for Higher Education

The State Board for Higher Education shall be a planning and coordinating body and shall identify and prepare plans for program development in the field of higher education. In addition to meeting regularly this board shall:

1. Select a Chairman for the State Board for Higher Education from among its membership.
2. Appoint a Commissioner of Higher Education.
3. Make overall policy of a planning and coordinating nature for all of postsecondary education.
4. Formulate goals for higher education, as well as develop measurable objectives for monitoring the annual progress made toward achieving goals.
5. Review and approve institutional budget requests and develop a unified State budget for all higher education.
6. Operate a general and fiscal control information service.
7. Review and approve all new and existing programs.
8. Identify institutional mission.
9. Oversee capital development and improvement.
10. Determine the need for student financial assistance and find methods of administering student assistance programs.
11. Establish guidelines for tuition and fees for the State Colleges and Universities throughout the State.
12. Assess State needs for manpower and propose programs which meet these needs.
13. Establish procedures to assure freedom and flexibility for inter-institutional transfer throughout the State's postsecondary educational system.
14. Establish general guidelines for faculty and administrative salaries.
15. Respond to the plans and proposals advocated by the Councils created by the Joint Education Board.

16. Prescribe the minimum requirements for issuing all certificates and diplomas, and academic, collegiate, professional, or university degrees for public and private postsecondary institutions.
17. Administer State funds for private postsecondary educational institutions and assure that the purposes for which such funds were appropriated are met.
18. Serve as the State postsecondary planning commission called for in Federal law.
19. Determine the internal structural arrangement and staffing pattern necessary to perform its function.
20. Call an annual meeting of members of all institutional governing boards.

The State Board for Higher Education shall be made up of 15 members. In appointing the original board, as well as subsequent boards in the foreseeable future, the Governor will need to be mindful that this board will be serving four segments of higher education which were previously served separately. Four members shall have a familiarity with the community college functions, four with the State college mission, four with university objectives and purposes, and three with the needs of nonpublic education. The State Board for Higher Education shall maintain four standing committees with each committee given the assignment of developing alternative policy recommendations for each of the four segments. Such an intra-board arrangement would assure each of the four segments of higher education that their unique functions and special needs were being given a fair hearing in the development of coordinating policy by the State Board.

The State Department of Higher Education

Under the proposed structure, a small unit for facilitating the goals and objectives of postsecondary education will be created. This unit will serve all areas of postsecondary education which receive state support. This unit will report directly to the State Board for Higher Education and will implement its policies. This unit would be composed of qualified staff personnel now serving the State Board for Community Colleges, the State Board of Trustees for State Colleges, and the Maryland Council for Higher Education. The functions of this department shall be to:

1. Develop and maintain an information system that will support the efforts of all postsecondary education.
2. Provide a staff for operation of student financial assistance and capital improvement programs.
3. Develop a comprehensive plan of action for the State Board for Higher Education which addresses long

**REPORT AND RECOMMENDATIONS
OF THE
TASK FORCE TO
EVALUATE THE FINAL REPORT
OF THE
GOVERNOR'S STUDY COMMISSION
ON STRUCTURE AND GOVERNANCE
OF EDUCATION**

December, 1975

Section 130A authorizes the State funding of school construction, but leaves the administration of the program to the Board of Public Works. By rule, that Board created the Interagency Committee on School Construction, consisting of the State Superintendent of Schools and the Secretaries of State Planning and General Services, which Committee oversees the operation of the program. The Board of Public Works appoints an Executive Director to the Committee, but the staff assistance comes from the three departments represented on the Committee. The Committee itself is not part of any department, but operates under the Board of Public Works. The staff of the Committee, lent to it by the constituent departments, works with the local school systems in developing their State funded projects.

The Study Commission did not explain what it meant by the Board of Elementary and Secondary Education "administering" the program.

The Task Force believes that the Interagency Committee should be a statutory creature, since the program itself was authorized by statute. Furthermore, instead of serving as an independent unit under the Board of Public Works, which, in light of its many other responsibilities, may not have adequate time to devote to it, the Committee should be placed within the Department of Elementary and Secondary Education for administrative and budgetary purposes. It is intended that the present practice of having the staff to the Committee be on loan from the three departments be continued and that they be paid by those departments. It is also intended that the Committee continue to make its recommendations directly to the Board of Public Works. The basic change here is that, for purposes of day to day purchases, requisitions, personnel matters, operational funding, and other similar routine administrative matters, the Executive Director be supervised in accordance with normal State law and procedures.

As part of this change, the Task Force also recommends that the Executive Director be appointed by the Committee itself, rather than by the Board of Public Works, but with approval of that Board.

F. INSTITUTIONAL PROGRAMS

The Study Commission found that the existing delivery system of educational services to youth in the health related and correctional institutions was unsatisfactory. The basic components of a responsive system found to be lacking were, as stated on page 25 of its Report: "a spokesman for institutional education; an overall commitment to guarantee services; instructional supervision; funding strategies; and an effective link between the State Department of Education and other relevant agencies."

To provide a remedy to the situation and achieve these objectives, the Study Commission recommended the creation of a Statewide Board for Institutional Education, "with equal status and a similar policy making and administrative structure to the other 24 local systems in the State." The Board would be composed of representatives of public and private mental health, criminology, special education, parents, and other citizens.

The Task Force concurs with the Study Commission's assessment of the shortcomings of the current system. We believe, however, that the particular remedy recommended by the Study Commission could well lead to more problems than it would solve, and that there is a better way to achieve the needed reform. The problems that we perceive with a State Board for Institutional Education, in the context recommended by the Study Commission, are as follows:

1. The needs of children throughout the spectrum of institutional programs—from mental health and retardation through juvenile and adult correctional institutions—are quite different; and one board may not be able to understand and adequately serve all of these differing needs.

2. A separate and independent board having control over these programs can create serious problems of coordinating the educational programs with the overall institutional program, and with the public educational programs to which many of the patients and inmates will return. For example, if this Board hires and controls the teachers and other personnel involved in the educational program, there will be one group of personnel within the institution reporting to one person and the rest reporting to someone else. The potential for lack of coordination, jurisdictional disputes, and disparity in personnel administration, status, and procedures becomes very real. Would the educational personnel be entitled to the same or similar tenure and collective bargaining possessed by employees of local school boards; and, if so, how would this affect the other employees at the institutions who do not have these rights?

County education boards do not employ persons to work at a particular school. If this is carried over, the proposed statewide Board would be able to transfer personnel from the correctional institutions at Hagerstown to the facilities at Rosewood in Baltimore or Cheltenham in Southern Maryland. Problems of salary schedules would also arise. Would a person in the same classification be paid the same salary in Western Maryland as in Baltimore City; if so, the parity between teachers in the State and local systems, now legislatively mandated, would be upset.

3. What would be the extent of the Board's jurisdiction? Would it include, for example, vocational programs? Many of these are funded through federal

grants, and changes in the conditions of those grants may be required. Some of these programs are operated quite successfully on a contractual basis. In establishing and operating the programs, what built-in mechanism would there be to assure that the programs are coordinated with the local educational system? Children do not remain at the training schools for much longer than 60 to 90 days, on the average, for example. Their education while at the training school is but part of a continuum with the public school program; yet, without some coordinative mechanism, the two programs, being independently developed and operated, may become disjointed.

As noted above, the Task Force believes that the criticisms of the present system found by the Study Commission are valid. The question is how to resolve them without raising other equally serious problems. Key ingredients in creating a viable and rational system that will achieve the goals listed by the Study Commission are assuring that (1) the educational programs are developed and monitored by a competent and broadly representative policy-making group, (2) there is clear responsibility within the departments responsible for operating the institutions to carry out the educational programs in the institutions as developed by the policy-making group, (3) flexibility in funding these programs exists where such flexibility is advantageous, but that funds appropriated for institutional education programs are not diverted to other purposes, and (4) in development and implementation, these programs are carefully coordinated with both the overall institutional program and with existing and planned public education programs.

To achieve the overall goals addressed by the Study Commission consistent with the objectives stated above, the Task Force recommends that:

1. Two Educational Coordinating Councils be created which, for administrative and budgetary purposes, would be within the State Department of Elementary and Secondary Education. One Council would be for educational programs within the correctional institutions; the other for programs within the hospital centers and juvenile institutions.

The Councils would each consist of the Commissioner of Elementary and Secondary Education, the Superintendent of Public Instruction of Baltimore City, two county superintendents, and five persons appointed by the Governor from the public at large. The Council for correctional programs would also include the Commissioner of Correction and the Executive Director of the State Board for Community Colleges; and the Council for hospital and juvenile programs would include the Secretary of Health and Mental Hygiene, the Director of the Juvenile Services Administration, the Commissioner of Mental Hygiene, and the Director of the Mental Retardation

Administration. Depending upon any reorganization within the Department of Health and Mental Hygiene, the representation from that department may be adjusted.

This makeup of each council assures substantial input from the public at large, public education, and the agencies responsible for the overall operation of the institutions. Appropriate coordination of programs should, therefore, be little problem.

2. The function of each council should be to plan and develop an educational program within the respective institutions, and to monitor its operation. These programs must take account of the special needs and circumstances of the patients, inmates, and personnel within the institutions.

3. Basic funding for the educational programs should be through the State Department of Elementary and Secondary Education, with the ability of other agencies to contribute as provided in the State budget. This will allow, for example, the community colleges to offer some programs as well as for funding through the departments of Health and Mental Hygiene and Public Safety and Correctional Services.

4. The Department of Health and Mental Hygiene and the Division of Correction (within the Department of Public Safety and Correctional Services) should each appoint a Director of Educational Programs who would be responsible for the implementation and operation of the institutional education programs as developed by the Council. He would, in fact, oversee these programs in consultation with the superintendents or wardens of the institutions and other appropriate departmental personnel.

In this manner, the operation of the program, developed and monitored by the Council, would be the responsibility of the department charged with the overall responsibility for the institution. The educational component could thus be coordinated with the entire institutional program, and yet be planned and monitored by educators and public representatives. In our judgment, this method can achieve the objectives desired by the Study Commission without raising the problems we have noted.

G. COMMENT ON OTHER STUDY COMMISSION RECOMMENDATIONS CONCERNING ELEMENTARY AND SECONDARY EDUCATION

1. *Duties of the State Board of Elementary and Secondary Education.*

On page 24 of its Report, the Study Commission made a number of specific recommendations as to what the role of the State Board of Elementary and Secondary Education should be. These include:

(a) Performing the basic functions of the existing State Board of Education. With this we agree.

(b) Selecting its Chairman. This is currently done under Article 77, §4 (although the title "Presi-

EDUCATION

§ 22-205

§ 22-203. Director of educational programs.

(a) *Position established.* — The Secretary of Health and Mental Hygiene shall appoint a director of educational programs in the Department of Health and Mental Hygiene.

(b) *Compensation.* — The director shall receive the salary provided in the budget of the Department of Health and Mental Hygiene.

(c) *Duties.* — The director shall:

(1) Implement and operate the educational programs, developed by the council, in the State hospital centers and juvenile residential institutions;

(2) Meet with and advise the council about these programs; and

(3) Consult with the director of the Juvenile Services Administration, the Commissioner of Mental Hygiene, the Director of the Mental Retardation Administration, and the superintendent of each center or institution about the operation of these programs. (An. Code 1957, art. 77, § 219; 1978, ch. 22, § 2.)

REVISOR'S NOTE

This section formerly appeared as Article 77, § 219 (c).

The only changes are in style.

§ 22-204. Funding.

(a) *In general.* — Funds for the operation of the educational program in State hospital centers and juvenile residential institutions shall be provided in the budget of the State Department of Education.

(b) *Other agencies may contribute.* — The Department of Health and Mental Hygiene and other State agencies may contribute to the program.

(c) *Use of funds.* — Funds appropriated for educational programs in State hospital centers and juvenile residential institutions may not be diverted, by budget amendment or otherwise, to any other purpose. (An. Code 1957, art. 77, § 219; 1978, ch. 22, § 2.)

REVISOR'S NOTE

This section formerly appeared as Article 77, § 219 (f).

The only changes are in style.

§ 22-205. Jurisdiction of other agencies not affected.

This subtitle does not affect the other jurisdiction of the State Board of Education, the State Superintendent of Schools, the State Board for Higher Education, or the commissioner of higher education. (An. Code 1957, art. 77, § 220; 1978, ch. 22, § 2.)

CHAPTER 518

(Senate Bill 350)

THE BUDGET BILL

(Fiscal Year 1981)

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 1981, in accordance with Article III, Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made pursuant to that section.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That subject to the provisions hereinafter set forth and subject to the Public General Laws of Maryland relating to the Budget procedure, the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for the several purposes specified for the fiscal year beginning July 1, 1980, and ending June 30, 1981, as hereinafter indicated.

are received for entitlement periods ending on or before October 1, 1980 to support the appropriation for the State Retirement Systems in the 1980 and 1981 fiscal years and to disburse such Federal Revenue Sharing Trust Funds as may be received for entitlement periods beginning on or after October 1, 1980 in accordance with the General Fund Appropriation for Board of Public Works - Loan Fund Projects (23.05.01.31). 13278
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SECTION 8. AND BE IT FURTHER ENACTED, That it is the intention that the appropriations contained in this bill for the State Office Buildings in Annapolis and Baltimore are to be supplemented by transfers from the budgets of the various agencies and departments occupying the buildings for such expenses as may not be adequately provided for within the respective budgets for the operation and maintenance of these buildings. The above transfers, if necessary, are to be effected by the budget amendment. 13285
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SECTION 9. AND BE IT FURTHER ENACTED, That if the State's Federally approved Title XIX Plan does not provide that nursing homes operated as a component of a chronic hospital be reimbursed on the basis of Health Services Cost Review Commission rates, \$2,050,000 in General Funds may be transferred by approved budget amendment from Medical Care Program Administration - Provider Reimbursements (32.01.05.03) to the Office of the Secretary - General Administration (32.01.01.01) to establish a program of grants to nursing homes operated as a component of a chronic hospital. 13293
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SECTION 10. AND BE IT FURTHER ENACTED, That \$131,700 of the funds appropriated to or for the Maryland State Police shall be utilized to purchase a standard professional liability policy from the State Self-Insurance Fund. 13302
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SECTION 11. AND BE IT FURTHER ENACTED, That authorization is hereby granted to transfer to the State Department of Education, by approved budget amendment, that portion of the appropriations to the various State Hospital Centers and Juvenile Residential Institutions of the Department of Health and Mental Hygiene which represents the operation of educational programs in accordance with the provisions of Title 22 of the Education Article as enacted by Chapter 22 of the Acts of 1978 of the General Assembly. 13306
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SECTION 12. AND BE IT FURTHER ENACTED, That an amount not to exceed \$6,314,000 may be transferred, by approved budget amendment, from Personnel Benefits Contribution - Social Security Contributions (26.01.05.01) to Aid to Education - State Share of Basic Current Expenses 13314
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U.S. Department of Justice Appendix G
Law Enforcement Assistance Administration
*Office of Juvenile Justice and Delinquency
Prevention*

Washington, D.C. 20531

October 28, 1980

Mr. Edward J. Mason
Minority Leader
State Senate District 1
State of Maryland
Room 406
James Senate Office Building
Annapolis, MD 21401

Dear Mr. Mason:

In an effort to summarize my remarks before the "Governor's Task Force to Study Educational and Related Needs of Children in Juvenile Residential Institutions", on October 24, 1980, a brief delineation of the major points is noted below; and related supplementary information is enclosed for your committee's consideration.

1. Pursuant to Juvenile Justice and Delinquency Prevention Act, as amended, the Office of JJDP does not support the development or maintenance of correctional institutions for youth. It does, however, recommend and provide financial and technical assistance to states and localities for the development of small (20 beds or less) community-based programs. These types of programs utilize as much as possible, local social, educational and related resources to supplement and/or provide directly the programmatic aspects of these types of rehabilitation efforts.
2. While alluded to during my testimony, though not discussed due to the limitations of time, the effectiveness of community-based vis-a-vis institutional services was recently evaluated by Harvard University.

In 1969-72 Massachusetts replaced its reform schools for juveniles with community-based alternatives to traditional incarceration. Until 1980 Massachusetts was the only State that had deinstitutionalized statewide its large reform schools. (The State of Vermont has recently done so.) Only about 10 percent of the total number of youths presently committed to the Massachusetts Department of Youth Services are determined to require secure care.

The results of the evaluation indicated that youths did better in those regions where the new programs were firmly in place as compared to the old reform schools. However, youth in the more open residential and nonresidential programs did better than those in the more secure units. Youths in programs providing diversity of treatment options and extensive community linkages did much better than those in the programs which lacked these features. In addition, the community-based programs provide a much more humane and fair way

of treating youth than the large institutions previously used. A major conclusion of the study was that the important factors affecting success or failure with particular youth lay not so much in the qualities of specific individual program to which the youth were exposed, but in the characteristics of the total social network for each youth in the community.

3. Though this Office does not support the use of correctional institutions for youth the National Advisory Committee for the Office developed draft standards for such facilities. The standards address among other things the basic education services that should be available to or provided within juvenile correctional facilities. These standards were reviewed with your committee and are restated below with their sources. The Office is currently preparing for distribution of the full volume of standards, a copy of which will be forwarded to you once they are available.

4.2161 Academic Education

A CURRICULUM SUBSTANTIALLY EQUIVALENT TO THAT REQUIRED UNDER THE LAW OF THE JURISDICTION FOR PUBLIC SCHOOL STUDENTS SHOULD BE AVAILABLE TO ALL JUVENILES PLACED IN A TRAINING SCHOOL. THE ACADEMIC PROGRAM SHOULD MEET ALL REQUIREMENTS NECESSARY FOR THE TRANSFER OF EARNED CREDITS TO PUBLIC SCHOOLS WITHIN THE STATE AND SHOULD BE CERTIFIED TO AWARD ACADEMIC DIPLOMAS TO JUVENILES WHO MEET THE REQUIREMENTS FOR THE AWARD OF SUCH DIPLOMAS DURING THEIR PLACEMENT.

Sources: National Advisory Committee on Criminal Justice Standard and Goals, Report of the Task Force on Juvenile Justice and Delinquency Prevention, Standard 24.5 (1976) (hereinafter cited as Report of the Task Force): Morgan V. Sproat, 432 F. Supp., 1130, 1152 (S.D. Miss. 1977).

4.2163 Special Education

SPECIAL EDUCATION PROGRAMS SHOULD BE AVAILABLE TO MEET THE NEEDS OF JUVENILES WHO ARE EDUCATIONALLY DISADVANTAGED. JUVENILES WHO SHOULD BE PROVIDED WITH SPECIAL EDUCATION INCLUDE THOSE WHO:

- a) EXHIBIT SUBAVERAGE GENERAL INTELLECTUAL FUNCTIONING, POSSIBLY IN CONJUNCTION WITH DEFICIENT ADAPTIVE BEHAVIOR AND/OR PHYSICAL IMPAIRMENTS WHICH INHIBIT THEIR ABILITY TO LEARN;
- b) EXHIBIT AVERAGE GENERAL INTELLECTUAL FUNCTIONING, ALTHOUGH HAVE A VISUAL, HEARING, OR SPEECH IMPAIRMENT OR EMOTIONAL DISTURBANCES WHICH SIGNIFICANTLY INHIBIT THEIR ABILITY TO LEARN; AND
- c) DESPITE AVERAGE INTELLIGENCE, ADEQUATE HEARING, VISION, MOTOR CAPACITY, AND EMOTIONAL ADJUSTMENT, EXHIBIT A SUBSTANTIAL DEFICIENCY IN LEARNING AND CONCEPTUALIZING WHICH IS FREQUENTLY DEMONSTRATED BY THEIR INABILITY TO READ OR CLEARLY AND CONSISTENTLY UNDERSTAND SPOKEN LANGUAGE.

IN UTILIZING INTELLIGENCE QUOTIENT AND ACHIEVEMENT TESTS TO DETERMINE WHETHER A JUVENILE REQUIRES SPECIAL EDUCATION, PRIMARY RELIANCE SHOULD BE PLACED ON THOSE TESTS WHICH ARE APPROPRIATE FOR THE JUVENILE'S ETHNIC AND CULTURAL BACKGROUND.

Sources: C.A. Murray, The Link Between Learning Disabilities and Juvenile Delinquency, 11-22 (1976); National Advisory Committee on Criminal Justice Standards and Goals, Report of the Task Force on Juvenile Justice and Delinquency Prevention, Standard 24.7 (1976).

4.2161 Vocational Education

ALL JUVENILES SHOULD RECEIVE CAREER COUNSELING TO PROVIDE THEM WITH KNOWLEDGE OF A WIDE RANGE OF CAREER OPTIONS AND WITH SUFFICIENT INFORMATION TO CHOOSE AMONG VOCATIONAL AND ACADEMIC AREAS OF EMPHASIS.

A VOCATIONAL EDUCATION CURRICULUM SHOULD BE AVAILABLE TO JUVENILES AGE 14 AND OVER WHO CHOOSE TO PARTICIPATE. PARTICIPATING JUVENILES SHOULD RECEIVE AT LEAST TWO HOURS OF VOCATIONAL INSTRUCTION PER WEEK IN ADDITION TO ACADEMIC STUDIES, AND THOSE WHO AT AGE 15.5 DECIDE TO UNDERTAKE VOCATIONAL EDUCATION AS THEIR MAJOR AREA OF EMPHASIS SHOULD RECEIVE AT LEAST 15 HOURS OF VOCATIONAL INSTRUCTION PER WEEK. AN EMPLOYABILITY PLAN, BASED ON EXTENSIVE COUNSELING REGARDING CAREER OPTIONS, SHOULD BE DEVELOPED FOR EACH JUVENILE PARTICIPATING IN A VOCATIONAL EDUCATION PROGRAM.

ON-THE-JOB TRAINING THROUGH WORK-RELEASE PROGRAMS AS WELL A JOB PLACEMENT SERVICES SHOULD BE PROVIDED FOR ALL JUVENILES PARTICIPATING IN THEIR VOCATIONAL EDUCATION PROGRAM.

LIMITS SHOULD BE ESTABLISHED FOR "WORK-EXPERIENCE" TRAINING CONSISTING OF INSTITUTION-MAINTENANCE ACTIVITIES. IN NO CASE SHOULD THOSE ACTIVITIES CONSTITUTE THE PRIMARY FOCUS OF A VOCATIONAL EDUCATION PROGRAM.

Source: See generally National Advisory Committee on Juvenile Justice Standards and Goals, Report of the Task Force on Juvenile Justice and Delinquency Prevention, Standards 24.5. and 24.8 (Hereinafter cited as Report of the Task Force); Morgan V. Sproat, 432 F. Supp. 1130, 1153 S.D. Miss. 1977).

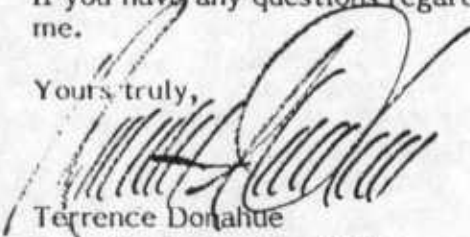
4. Enclosed are some materials that may be beneficial to your committee which explain the JJDP Act and background, major legislative mandates as well as this Office's current endeavors. Also included are materials dealing with related issues of interest. Unfortunately due to limited quantities, only a single copy of each is currently available.

With regard to our discussion at lunch on Wednesday I reiterate this Office's interest in assisting your committee in its examination of juvenile services in Maryland in the specific area of education within institutional settings in a more expanded scope of work. Should the committee be interested in such a cooperative venture, please notify the Office at the earliest possible date. In order to expedite a request of this nature it is recommended that it include: (1) the specific area and parameters of examination, (2) the anticipated products and timetable of the examination; and (3) the assurance of the participation of the affected agency(s) (i.e. JSA).

Following receipt of the request this Office will contact you to develop the statement of work. This would entail the following on the part of the committee, technical assistance contractor, and the affected agencies: (1) agreement as to realistic products within an acceptable timetable; (2) identification of favorable resources to conduct the examination; and (3) division of responsibilities between committee staff, technical assistance contractors and the affected agencies. The request should be forwarded through the Governor's Commission to this Office in care of me.

If you have any questions regarding the aforementioned information please contact me.

Yours truly,



Terrence Donahue
Juvenile Justice Specialist
Office of Juvenile Justice and
Delinquency Prevention



